

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 023894
ORIGIN ARA-14

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 PA-01 PRS-01 SP-02 SS-15
NSCE-00 USIE-00 INRE-00 TRSE-00 IO-13 /068 R

DRAFTED BY ARA/CAR:RSURBUR/GDESANTILLANA/ATP
APPROVED BY ARA:SASHELTON
ARA:GLISTER

-----088892 301516Z /45

O 301418Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY KINGSTON IMMEDIATE

LIMITED OFFICIAL USE STATE 023894

E.O. 11652: N/A

TAGS: SHUM, VE

SUBJECT: HUMAN RIGHTS REPORT - JAMAICA

REFERENCE: STATE 018330

1. THE ANNUAL HUMAN RIGHTS REPORT FOR JAMAICA HAS BEEN
GIVEN FINAL APPROVAL BY THE DEPUTY SECRETARY AND WILL BE
TRANSMITTED TO CONGRESS SHORTLY. FINAL TEXT QUOTED BELOW,
AND IT IS THIS TEXT WHICH SHOULD BE TRANSMITTED TO GOJ.

2. THE DEPUTY SECRETARY SUGGESTS THAT THE PRESENTATION TO
BE MADE USING THE FOLLOWING POINTS AS FRAMEWORK:

-- THE EFFECT OF NEW LEGISLATION WHICH BECAME LAW LAST
YEAR IS TO REQUIRE THE SECRETARY OF STATE TO SUBMIT A ,FULL
AND COMPLETE, REPORT ON THE STATUS OF INTERNATIONALLY-
RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 023894

EITHER DEVELOPMENT ASSISTANCE OR SECURITY ASSISTANCE FROM
THE UNITED STATES. (IT MAY BE USEFUL TO PROVIDE THE TEXT
OF THE CONGRESSIONAL PROVISION.)

-- ,WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF
YOUR GOVERNMENT LAST NOVEMBER.

-- AT THAT TIME, WE PROVIDED YOU (YOUR AUTHORITIES) WITH THE TEXT OF THE NEW LEGISLATION.

109 HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE CONGRESS ON OR ABOUT JANUARY 31. WE ARE PROVIDING YOU WITH AN ADVANCE COPY OF THE REPORT PREPARED ON JAMAICA.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

3. QUOTE JAMAICA IS A PRACTICING PARLIAMENTARY DEMOCRACY WITH POLITICAL INSTITUTIONS AND TRADITIONS ROOTED IN ENGLISH COMMON LAW. IN THE DECEMBER 1976 NATIONAL ELECTIONS, THE GOVERNMENT OF PRIME MINISTER MANLEY RETURNED TO OFFICE WITH AN OVERWHELMING MAJORITY IN PARLIAMENT. JAMAICA'S DOMESTIC HUMAN RIGHTS RECORD REFLECTS NOT SIMPLY ITS HERITAGE BUT A PRESENT COMMITMENT TO AN OPEN AND FREE SOCIETY. MANLEY HAS REPEATEDLY DENOUNCED VIOLATIONS OF HUMAN RIGHTS ABROAD. HE HAS SIGNED THE AMERICAN CONVENTION ON HUMAN RIGHTS. LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 023894

RIGHTS AND URGED HIS CARIBBEAN COLLEAGUES TO DO LIKEWISE.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:
; TORTURE

THERE HAVE BEEN NO REPORTS ALLEGING TORTURE BY THE JAMAICAN AUTHORITIES.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

THERE HAVE BEEN A FEW UNCONFIRMED CHARGES OF CRUEL OR DEGRADING TREATMENT OR PUNISHMENT. CONDITIONS WITHIN JAMAICAN PRISONS ARE RELATIVELY GOOD.

C. ARBITRARY ARREST OR IMPRISONMENT

AN INCREASE IN VIOLENT CRIME IN 1976 PROMPTED THE PRIME MINISTER, WITH PARLIAMENT'S CONSENT, TO DECLARE A STATE OF EMERGENCY UNDER WHICH SECURITY AUTHORITIES WERE GRANTED BROAD POWERS OF SEARCH AND ARREST. THE STATE OF EMERGENCY CAME TO AN END JUNE 5, 1977. ALL PERSONS DETAINED UNDER

ITS AUTHORITY HAVE EITHER BEEN CHARGED WITH CRIMES OR RELEASED. SINCE THAT TIME THERE HAVE BEEN NO CHARGES OF ARBITRARY ARREST OR IMPRISONMENT.

IN AN EARLIER EFFORT TO REDUCE VIOLENT CRIME, PARLIAMENT ENACTED THE GUN COURT ACT (1974) WHICH PROVIDED FOR IN CAMERA TRIALS AND INDEFINITE DETENTION. IN 1975, THESE PROVISIONS WERE FOUND UNCONSTITUTIONAL BY THE PRIVY COUNCIL SITTING IN LONDON AND WERE REPLACED WITH MANDATORY LIFE SENTENCES FOR PERSONS CONVICTED OF THE ILLEGAL POSSESSION OF FIREARMS. THE GOVERNMENT HAS RECENTLY ANNOUNCED ITS INTENTION TO "STREAMLINE" GUN COURT PROCEDURE BUT AT PRESENT IT IS NOT CLEAR WHAT THIS WILL MEAN.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 023894

D. DENIAL OF FAIR PUBLIC TRIAL

PERSONS ACCUSED OF CRIMES ARE GIVEN A FAIR PUBLIC TRIAL.

E. INVASION OF THE HOME

THE SANCTITY OF THE HOME APPEARS TO BE RESPECTED.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

PRIME MINISTER MANLEY HAS PUBLICLY COMMITTED HIS GOVERNMENT TO A POLICY DESIGNED TO MEET THE NEEDS OF THE POOR BY "FINDING JOBS FOR THE JOBLESS, SHELTER FOR THE HOMELESS, AND FOOD FOR THE HUNGRY." THE ABILITY OF THE GOVERNMENT TO IMPLEMENT THIS POLICY IS LIMITED BECAUSE OF THE SCARCITY OF AVAILABLE RESOURCES AND SEVERE ECONOMIC PROBLEMS.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY.

JAMAICANS ARE FREE TO HOLD WHATEVER VIEWS THEY WISH AND TO EXPRESS THEIR BELIEFS OPENLY. THERE IS FREEDOM OF RELIGION. A RECENT WAVE OF VIOLENT CRIME PROMPTED THE GOVERNMENT, IN NOVEMBER 1977, TO ADOPT A SERIES OF MEASURES DESIGNED TO DEAL WITH THAT PROBLEM, INCLUDING A BAN ON ALL PUBLIC MEETINGS. IT IS TOO EARLY TO JUDGE THE FULL IMPACT OF THESE MEASURES. THE PRESS CONTINUES TO REPRESENT THE ENTIRE SPECTRUM OF POLITICAL BELIEFS.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 023894

A GOVERNMENT BAN ON THE PRINTING OF INFLAMMATORY ARTICLES DURING THE 1976 ELECTION CAMPAIGN WAS IGNORED WITH

IMPUNITY BY ONE OF KINGSTON'S LEADING PAPERS. SOME SUP-
PORTERS OF PRIME MINISTER MANLEY ARE CALLING FOR MORE
RETICENCE ON THE PART OF THE PRESS. THERE IS CONCERN
AMONG JAMICANS THAT THE INDEPENDENCE WHICH
CHARACTERIZES THE PRESS MAY BE LIMITED IN THE ELEC-
TRONIC MEDIA WHERE THE GOVERNMENT IS THE SOLE OWNER OF
RADIO AND TELEVISION NETWORKS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FORIEGN
TRAVEL AND EMIGRATION

JAMAICANS ARE FREE TO MOVE WITHIN THE COUNTRY AND TO EMI-
GRATE. HOWEVER, CURRENCY CONTROL REGULATIONS WHICH ALLOW
A JAMAICAN TRAVELER TO CARRY NO MORE THAN 50 U.S. DOLLARS
OUT OF THE CONTRY HAVE CUT BACK THE NUMBER OF CITIZENS
WHO CAN TRAVEL ABROAD.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE POLITICAL PROCESS IS CHARACTERIZED BY HOTLY CONTESTED
FREE ELECTIONS AND LIVELY PARLIAMENTARY DEBATE. LABOR
UNIONS PLAY AN IMPORTANT ROLE IN JAMAICA'S POLITICAL LIFE
AND OPERATE FREELY.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL
AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS

IN OCTOBER 1976, AMNESTY INTERNATIONAL WROTE
PRIME MINISTER MANLEY URGING THAT PERSONS DETAINED UNDER
THE STATE OF EMERGENCY BE TRIED OR RELEASED. MR. MANLEY
HAS CALLED ATTENTION TO JAMAICA'S GOOD HUMAN RIGHTS
RECORD AND IN APRIL 1977, HE INVITED AMNESTY TO VISIT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 06 STATE 023894

JAMAICA FOR A THOROUGH HUMAN RIGHTS INVESTIGATION. THE
AMNESTY INTERNATIONAL REPORT 1977 STATED ALL PERSONS HELD
UNDER THE STATE OF EMERGENCY WERE RELEASED FOLLOWING
ITS TERMINATION. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ANNUAL REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE023894
Document Source: CORE
Document Unique ID: 00
Drafter: RSURBUR/GDESANTILLANA/ATP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780044-0402
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978017/aaaaafrw.tel
Line Count: 221
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 423efce3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 18330
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3784514
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORT - JAMAICA
TAGS: SHUM, JM
To: KINGSTON
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/423efce3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014